

# Notice of Allowability

Application No.

10/708,858

Examiner

Stephen A. Holzen

Applicant(s)

STRUVE ET AL.

Art Unit

3644

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/23/2005.
2. ☒ The allowed claim(s) is/are 1,3-15,17,19,22-25,27,28 and 31-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Hayes on 12/12/2005.

Claim 15 (lines 7-11): the phrase "at least one layer of...open-celled foam structure; and" has been deleted

Claim 15 (line 16): the phrase "plurality of stringers;" is changed to –plurality of stringer, wherein said hydrophobic, open-cell foam structure comprise a melamine-based, thermosetting open-cell foam structure; and

Claim 17 (line 2): the word "comprises" is changed to "comprising"

Claim 17 (line 3): the word "being" is changed to "is".

Claim 19: The claim has been amended to read: "The insulation system of claim 15, wherein a portion of said first layer of said hydrophobic, open-cell foam structure is removed to provide a drainage channel.

Claim 25 (line 18): the phrase "at least other layer" is changed to "at least one layer"

Claim 27 (line 2): the word "comprises" is changed to "comprising"

Claim 27 (line 3): the word "being" is changed to "is".

Claim 30: This claim is deleted.

Claims 31, 32, and 33: These claims are now dependent from claim 25.

Claim 31 (Line 3): The phrase "coupled between to said layer" is changed to –  
coupled between said layer--.

***Allowable Subject Matter***

2. Claims 1, 3-15, 17, 19, 22-25, 27, 28, 31-35 and allowed.
3. The following is an examiner's statement of reasons for allowance:
4. Re – Claim 1: The prior art does not disclose compression fitting the foam between frames so that they cover the stringers, in fact all references teaches spray forming rather than compression fitting. Further both a moisture resistant compounds and a trim piece are not disclosed. Specht et al teaches either a moisture resistant compound or the trim, but not both.
5. Re – Claim 15: The prior art does not teaches a melamine based thermosetting open-cell foam structure, nor the fibrous layer between the two layers of compression fit thermosetting open celled thermoset fire resistant foam.
6. Re – Claim 25: The prior art does not disclose a multilayer and trim piece and spacers.
7. It should be noted that Boutros et al (2005/0110041) claims do not anticipate the currently claimed invention. Although Boutros claims the same invention, it should be understood that this was a printing error. The originally filed claims (which should have been published) do not disclose the presently claimed invention. Therefore the Boutros

reference is only applicable as of its publication date (since the application as filed does not anticipate the reference).


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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